

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

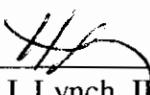
CIVIL ACTION NO. 04-12376-RGS

PAUL L. CECCHINI, )  
                          )  
Plaintiff            )  
                          )  
vs.                   )  
                          )  
JAMES HUTT and,     )  
HUTT TRUCKING, INC., )  
                          )  
Defendants          )

DEFENDANTS, JAMES HUTT AND HUTT TRUCKING, INC.'S MOTION TO  
DISMISS PURSUANT TO FEDERAL RULES OF CIVIL PROCEDURE RULE 4(M)

The defendants, James Hutt and Hutt Trucking, Inc., (hereinafter the "defendants"), hereby move this honorable Court dismiss the plaintiff's complaint pursuant to Federal Rules of Civil Procedure Rule 4(m). As reasons therefore, the defendants state the plaintiff has not complied with Federal Rules of Civil Procedure Rule 4(m) and effected service of the summons and complaint upon the defendants within 120 days of filing the complaint.

In further support, the defendants refer the court to the attached memorandum of law.

  
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